

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

MARK MOYAR,

Appellant,

v.

DEPARTMENT OF DEFENSE,  
*et al.*,

Appellees.

Case No. 23-5085

\* \* \* \* \*

**APPELLANT’S UNOPPOSED *NUNC PRO TUNC* MOTION FOR BRIEF  
ENLARGEMENT OF TIME WITHIN WHICH TO FILE OPENING BRIEF**

Appellant hereby requests a final retroactive two-hour extension of the deadline for filing his Opening Brief, until 2:00 AM on 20 September 2023. This Brief was due at midnight on 19 September and was filed at 1:53 AM on 20 September. Appellees do not oppose this Motion.

Appellant has good cause to request this extension. As the undersigned previously advised the Court, one of his children was injured in an accident last week, which forced him to request an extension until 19 September. He was on track to complete this filing on time—and in fact did complete the substantive portion of it by midnight—but his work was disrupted when his other child became ill. Despite these disruptions, he was able to file the Joint Appendix approximately forty-five minutes late and finally to file the Brief approximately two hours late.

He accordingly requests this final extension and asks the Court to accept the lodged Brief and Joint Appendix out of time. He has waited to file this Motion until he can convey Appellees' position on this Motion.

This is the third and final extension requested for this Brief.

Date: September 20, 2023

Respectfully submitted,

/s/ Kelly B. McClanahan  
Kelly B. McClanahan, Esq.  
D.C. Bar #984704  
National Security Counselors  
4702 Levada Terrace  
Rockville, MD 20853  
301-728-5908  
240-681-2189 fax  
[Kel@NationalSecurityLaw.org](mailto:Kel@NationalSecurityLaw.org)

*Counsel for Appellant*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing filing contains 319 words, and was prepared in 14-point Times New Roman font using Microsoft Word 2016.

/s/ Kelly B. McClanahan  
Kelly B. McClanahan, Esq.